

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated July 22, 2008.

Claims 1, 2, 4 and 5 are pending in the application, with claim 3 having been cancelled and the limitations thereof having been included in claim 1.

Claims 1-5 were rejected under 35 USC 103(a) as being unpatentable over Perlov (US 6,283,692) in view of Koji (JP63017706). Claims 1-3 were rejected under 35 USC 103(a) as being unpatentable over Ichiro (JP200231785) in view of Koji (JP63017706). Claims 4 and 5 were rejected under 35 USC 103(a) as being unpatentable over Ichiro (JP200231785) in view of Koji (JP63017706) and Perlov (US 6,283,692).

The present invention, as set forth in claim 1, comprises a structure suitable for substrate transfer in a substrate processing apparatus. The structure includes a first shelf line with vertically arranged shelves for mounting containers having contained substrates for processing. The apparatus has a mounting part with a fixed shelf from which the containers are transferred to a substrate processing unit. A second shelf line is provided between the first shelf line and the mounting part with the second shelf part having vertically arranged shelves, each having a shelf displacing mechanism capable of displacing the individual shelves in the vertical direction. Vertical displacement of a shelf in the second shelf line permits containers to be horizontally transported from a shelf of the first shelf line to the fixed shelf of the mounting part for transfer of the contained substrates to the substrate processing unit. The vertical displacement moves an intervening container out of the way, as needed, such as shown in Figure 4 to the state of Figure 5. This eliminates the need to move the intervening container to a different shelf by means of a transport mechanism, with significant time savings. This shelf movement is minimal and only requires movement of a single shelf with a mounted container. As seen in Figures 4 and 5, and as set forth in the amended claims, each shelf has its own displacing mechanism (shown in the drawing Figures 4 and 5, as air cylinder 127 with moving part or lifter 128) with a displacement movement equal to that of a height of a shelf. This enables full removal of the intervening container with minimized shelf movement and time.

With the above, it is submitted that none of the cited reference of Perlov, Koji or Ichiro disclose or even suggest the structural requirement of independent claim 1 of forming the container transport path which stretches along the horizontal direction with the displacing element being capable of displacing each of the second shelves individually in the vertical direction. Specifically, the Perlov and Ichiro references each have every shelf being fixed, i.e., these reference do not disclose or even suggest

the intervening second shelf of claim 1 which has individually movable shelves controlled by respective individual displacing element. The Koji reference, cited for such teaching, does not, in fact, provide such teaching and does not have a structure as claimed in claim 1. The vertical movement driver 8 of Koji is located at the base of every shelf tier and operates to move the entire frame 6 and all the shelves in tandem (see Figures 1, 3 and 4 of Koji). There is no teaching or suggestion from Koji of either an interactive system, with fixed and vertically movable shelves, as presently claimed, with minimal shelf movement operation, or even of individual shelf movement at all. Note that in Figure 5 of the present specification only three of five shelves are moved to effect the path clearance, an operation not possible with the structure disclosed by any of the references.

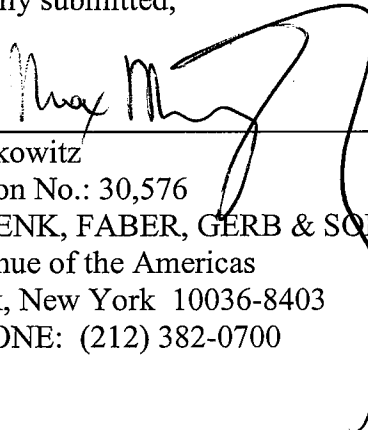
Therefore, a person skilled in the art would not be led to the invention according to claim 1 and claim 1 is accordingly allowable over the cited prior art. The remaining claims 2, 4 and 5 depend from claim 1 and, therefore, inherently contain its limitations and are similarly allowable.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

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Respectfully submitted,



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